
By: **Delegate Arnick**

Introduced and read first time: February 6, 2002

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Waiver of Residency Requirements for Incumbent Senators and Delegates**

3 FOR the purpose of proposing an amendment to the Constitution of Maryland that
4 exempts incumbent Senators and Delegates from residing in the district for
5 which they are seeking reelection in the first election following the adoption of
6 the Governor's legislative districting and apportionment plan, if the incumbent's
7 district has been altered as a result of the Governor's adopted plan; and
8 submitting this amendment to the qualified voters of the State of Maryland for
9 their adoption or rejection.

10 BY proposing an amendment to the Constitution of Maryland

11 Article III - Legislative Department

12 Section 9

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
15 concurring), That it be proposed that the Constitution of Maryland read as follows:

16 **Article III - Legislative Department**

17 9.

18 A person is eligible to serve as a Senator or Delegate, who on the date of his
19 election, (1) is a citizen of the State of Maryland, (2) has resided therein for at least
20 one year next preceding that date, and (3) if the district which he has been chosen to
21 represent has been established for at least six months prior to the date of his election,
22 has resided in that district for six months next preceding that date.

23 If the district which the person has been chosen to represent has been
24 established less than six months prior to the date of his election, then in addition to
25 (1) and (2) above, he shall have resided in the district for as long as it has been
26 established.

27 FROM THE DATE OF ADOPTION OF THE GOVERNOR'S LEGISLATIVE DISTRICTING
28 AND APPORTIONMENT PLAN AS PROVIDED IN SECTION 5 OF THIS ARTICLE, THROUGH
29 THE DATE OF THE FIRST ELECTION FOLLOWING THE ADOPTION OF THE GOVERNOR'S

1 PLAN, AN INCUMBENT DELEGATE OR SENATOR IS NOT REQUIRED TO RESIDE WITHIN
2 THE DISTRICT THAT THE INCUMBENT HAS BEEN ELECTED TO SERVE, IF THE
3 DISTRICT THE INCUMBENT HAD BEEN SERVING PRIOR TO THE ELECTION WAS
4 ALTERED AS A RESULT OF THE GOVERNOR'S ADOPTED PLAN.

5 A person is eligible to serve as a Senator, if he has attained the age of
6 twenty-five years, or as a Delegate, if he has attained the age of twenty-one years, on
7 the date of his election.

8 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
9 determines that the amendment to the Constitution of Maryland proposed by this Act
10 affects multiple jurisdictions and that the provisions of Article XIV, Section 1 of the
11 Constitution concerning local approval of constitutional amendments do not apply.

12 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
13 proposed as an amendment to the Constitution of Maryland shall be submitted to the
14 legal and qualified voters of this State at the next general election to be held in
15 November, 2002 for their adoption or rejection in pursuance of directions contained in
16 Article XIV of the Constitution of this State. At that general election, the vote on this
17 proposed amendment to the Constitution shall be by ballot, and upon each ballot
18 there shall be printed the words "For the Constitutional Amendment" and "Against
19 the Constitutional Amendment," as now provided by law. Immediately after the
20 election, all returns shall be made to the Governor of the vote for and against the
21 proposed amendment, as directed by Article XIV of the Constitution, and further
22 proceedings had in accordance with Article XIV.